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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/630,139

07/31/2003

Eric Michael Breitung

121277

9469

41838

7590

12/04/2009

GENERAL ELECTRIC COMPANY (PCPI)

C/O FLETCHER YODER

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HOUSTON, TX 77269-2289

EXAMINER

ZERVIGON, RUDY

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

12/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b><i>Examiner-Initiated Interview Summary</i></b>		<b>Application No.</b> 10/630,139  <b>Applicant(s)</b> BREITUNG ET AL.  <b>Art Unit</b> 1792
		<b>Examiner</b> Rudy Zervigon

**All Participants:**

(1) Rudy Zervigon.

(2) Patrick S. Yoder (Voice Mail).

**Date of Interview:** 27 November 2009

**Type of Interview:**

☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant    ☐ Applicant's representative)

**Exhibit Shown or Demonstrated:**    ☐ Yes    ☒ No  
 If Yes, provide a brief description:

**Status of Application:** Abandoned

(3) \_\_\_\_\_.  
 (4) \_\_\_\_\_

**Time:** 10:00

**Part I.**

Rejection(s) discussed:  
Double Patenting Rejections

Claims discussed:  
1-18

Prior art documents discussed:  
10449975

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:  
*See Continuation Sheet*

**Part III.**

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

\*\*\*SEE ATTACHED NOTICE OF ABANDONMENT\*\*\*  
 /Rudy Zervigon/  
 Primary Examiner, Art Unit 1792

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The Examiner called Mr. Yoder to request an RCE including a terminal disclaimer to overcome the Examiner's BPAI affirmed rejections. As of December 2, 2009, Mr. Yoder did not return the Examiner's phone call or comply with the suggestion. The cited portion of MPEP 804(I)(B) does not address BPAI affirmed rejections as being one of the only pending rejections. Further, the Examiner counters with 37CFR41.54 - "After decision by the Board, the proceeding will be returned to the examiner, subject to appellant's right of appeal or other review, for such further action by appellant or by the examiner, as the condition of the proceeding may require, \*\*\*\*to carry into effect the decision\*\*\*.". Thus, the decision by the BPAI is a complete affirmance of the Examiner's rejections. Applicant has not sought the Examiner's suggested course of action within the period for a court review. As a result, the Application is abandoned..